

**\*\*\*\*\*Freedom of Information Act Appeal\*\*\*\*\***

**APPEAL and Response to FOIA Request to Executive Office for**  
**United States Attorneys – Re: FOIA-2016-03570**  
**Monday, February 20, 2017 - 01:59 AM**

<b><u>ATTN: Director</u></b> Office of Information Policy (OIP) United States Department of Justice 1425 New York Avenue, NW, Suite 11050 Washington, DC 20530-0001 Phone: (202) 514- 3642 (FOIA) Fax: (202) 514-1009	<b><u>ATTN: Office of Government Information Services (OGIS)</u></b> National Archives and Records Administration (NARA) 8601 Adelphi Road-OGIS College Park, Maryland 20740-6001 Phone: (202) 741-5770 /// Fax: (202) 741-5769
<b><u>Kevin Krebs, Assistant Director</u></b> FOIA/Privacy Unit Executive Office for United States Attorneys U.S. Department of Justice	Room 7300, 600 E. Street, N.W. Washington, DC 20530-0001 Phone: (202) 252-6020 Faxed to: (202) 252-6047
<b><u>CC: Office of the Inspector General</u></b> U.S. Department of Justice 950 Pennsylvania Avenue, N.W., Suite 4706	Washington, D.C. 20530-0001 Phone: (202) 514-3435 Faxed to: (202) 514-4001
<b><u>CC: Office of Professional Responsibility</u></b> U.S. Department of Justice 950 Pennsylvania Avenue, N.W., Suite 3529	Washington, DC 20530-0001 Phone: (202) 514-3365 Faxed to: (202) 514-5050

Dear Office of Information Policy (OIP), Office of Government Information Services (OGIS),

Pursuant to my rights under the FOIA law, Title 5 U.S.C. § 552, Freedom of Information Act, I am filing this APPEAL Pro Se, as a respectful individual in his individual capacity, requesting review as to the response and disclosure of material requested originally from the date of receipt: July 25, 2016. As to help aid in enforcement of my FOIA Appeal, I am forwarding a copy of this letter to U.S. President Donald J. Trump at The White House, as he has vowed to help drain the swamp, to clean house of corruption within our Federal Government. Copies will be sent to media members, as well as Attorneys.

I am humbly grateful for the enclosed and disclosed documents within the FOIA Response letter inside (dated February 16, 2017 ) of the envelope containing the records as per my FOIA Request. However I have some concerns, as well as legal concerns, as well as professional standards concerns in regards to the U.S. Attorney, as I will state herein what I am talking about. This is in regards to the FOIA request and is connected to my FOIA request. The appeal is in response to the FOIA letter dated February 16, 2017, and the enclosed records.

**My FOIA Appeal is to the Executive Office for United States Attorneys, United States Department of Justice. This APPEAL is in reference to FOIA Request number: FOIA-2016-03570. I enclose FOIA response letter (Citing Enclosed Doc#: (1) 3-Page excerpt from FOIA Response envelope that had records contained within) citing the very response that I am appealing. Exculpatory evidence shall be attached to this letter, and more will be faxed or mailed to any Government Agents investigating if deemed necessary by the Government conducting the investigation.**

**This isn't just the fact that I am requesting an APPEAL of the FOIA decision by the Executive Office for U.S. Attorneys (EOUSA) within the U.S. Department of Justice, but that I am also calling for a criminal investigation by the Federal Bureau of Investigation (FBI), as well as investigation by the Office of Inspector General (OIG), and an investigation by the Office of Professional Responsibility. I shall be forwarding copies of my FOIA Appeal to them, as there is evidence of possible criminal misconduct by the U.S. Attorney Office in Greensboro, North Carolina.**

#### **FIRST FACTUAL BASIS OF APPEAL**

**I enclose a four-witness signed Declaration (Citing Enclosed Doc#: (2) 2-Page DECLARATION IN SUPPORT OF FOIA APPEAL IN REGARDS TO U.S. DEPARTMENT OF JUSTICE RESPONSE TO FOIA REQUEST NUMBER FOIA-2016-03570 (Four Witnesses signed under Oath/penalty-of-perjury that the information is true and correct)). This Declaration proves that there were additional documents within the U.S. Attorney's discovery packet of evidence, that were not withheld or even mentioned within the FOIA response letter (See Enclosed Doc#: (1)). My original FOIA Request had asked for my confession audio CD which I plan on using to prove that my criminal confession, made at Mayodan Police Department on August 29, 2012, was entirely false, that coercion was used against me. The reason I must prove my confession to be false, is because I am INNOCENT of the charge, a single count possession of child pornography.**

**It is a FACT, according to what was exchanged in the Court Transcripts in my criminal case (U.S. District Court, Middle District of North Carolina, Case # 1:13-cr-435-1, U.S.A. v. Brian David Hill), as well as the evidence that I and my family had witnessed and reviewed on January 22, 2015, discovery packet of evidence at Attorney John Scott Coalter's Office, and other records all demonstrate proof that the SBI forensic report and confession audio CD does exist within the U.S. Attorney records, and should have been mentioned by Kevin Krebs, Assistant Director, as to whether it should have been disclosed to me or withheld in-part or in-full. This suggests that such records may not exist or do not exist within the U.S. Attorney's record. Both the North Carolina State Bureau of Investigation (N.C. SBI) forensic report by Special Agent Rodney V. White, and my confession audio CD of what was said on August 29, 2012, were missing from the enclosed records in the envelope containing a response and attached**

records, pursuant to my original FOIA Request. In addition to that, there is no mention that those records are even withheld, as it said in the February 16, 2017 FOIA response letter, that there were "0 page(s) are withheld in full (WIF). The redacted/withheld documents were reviewed to determine if any information could be segregated for release." So why are there 0 (zero) pages being withheld even though records were withheld from my request such as my false confession audio CD from Mayodan Police Department, and the N.C. SBI forensic report that were both used to indict and wrongfully convict me without any right to an effective lawyer, as I was denied an effective lawyer but instead was given a worthless lawyer (Citing Eric David Placke) that wanted to do nothing to defend me, but sell me down the river to AUSA Anand Prakash Ramaswamy.

Even if such missing records (confession audio CD, SBI forensic report) are subject to exemptions from disclosure, it should have been listed as a withheld record. The fact that it is not listed as a "withheld" record means that such record may not exist anymore within the U.S. Attorney's records concerning my criminal case (U.S. District Court, Middle District of North Carolina, Case # 1:13-cr-435-1, U.S.A. v. Brian David Hill).

I was concerned that after I had started filing complaints with the North Carolina Committees within the North Carolina General Assembly, as well as the National Commission on Forensic Science (NCFS), that some U.S. Attorney records concerning my criminal case would be covered up or disappear, or be destroyed as those records that had contained evidence that could help to exonerate me as actually innocent.

So if the FOIA Office does not have any reason to believe that the SBI forensic report exists, that the confession audio CD exists, then the U.S. Attorney Office may have decided to expunge and cover up any records that may help to prove my actual Innocence and cover up or wipe any evidence that I can use against the U.S. Attorney to be found "not guilty" at any future Jury Trial or 2255 proceeding that I may request at my sole discretion, to relieve me from my wrongful conviction.

In a phone conversation that I had on-record with somebody at the Executive Office for U.S. Attorneys FOIA Office, it was said that a paralegal would be sent down to the U.S. Attorneys to look for the records that I requested in one of my FOIA Requests. If the enclosed papers, is all that exists within my case files, then that means all other evidence records have disappeared within the U.S. Attorney Office and there is explanation as to why they may have disappeared, as to why they are not listed or even numbered as withheld documents. So if the paralegal was told that only certain records exist, as I have received fully and in-part, then certain records were not disclosed to the paralegal that was looking for such records, making it appear as though the records I got is all there is in my criminal case discovery packet of evidence, that was used against me, that led to me being indicted then it caused me to be forced into falsely pleading guilty putting me at risk of a perjury charge under Rule 11 of the Federal Rules of Evidence, with a lousy good-for-nothing court appointed lawyer. None of this is lawful, none of this

is Constitutional, and none of it is Justice. If I had been OJ Simpson, I would have got a fair trial, even if I was guilty, and I could prevail due to having lots of money. Of course I don't have lots of money.

#### OPINION AND WITNESS TESTIMONY

Since my wrongful conviction, Nobody is listening to me in law enforcement, no matter what evidence I had faxed or mailed to any officer or Agent, nobody wants to listen to me in my bid for me proving my innocence. I have a personal reason to believe that North Carolina State Senator Philip Edward Berger or even Mayodan Police Chief Charles J. Caruso to be involved somehow, with me being possibly being framed with child porn, with the U.S. Attorney playing dirty games to ensure that I become a convicted sex offender just as the threatening emails, that were sent to me from tormail.org, has instructed me and my friends in 2013. The threatening emails not only had come true within due course of time, but the threatening emails went as far as 2013 online reports of child porn being emailed to friends on my admin@uswgo.com contact list such as Luke Rudkowski, Stewart Rhodes, Dan Johnson, and a few others. I gave that admin@uswgo.com email password to the police detectives in 2012, which is odd. No matter how much evidence I and my other friends have, no matter what witness statements may have been exchanged, I was still wrongfully convicted and forced to register as a Sex Offender in the Commonwealth of Virginia, for a crime that I was framed on, for a crime that I did not commit, all at the direction of former Rockingham County District Attorney Phil Berger Junior, who also supports Guantanamo Bay, Cuba, Camp Justice, which is a torture facility and may be under the direction of the CIA as a black site for terrorism suspects. Of course the U.S. Attorney accused me of being behind the threatening emails of tormail.org without any proof, even though the claims in such threatening emails did not come to pass until years after 2013, and such threats being carried out were mainly by people working within the U.S. Attorney, U.S. Marshals, the U.S. District Court, Appellate Attorney Mark Jones, and U.S. Probation Office (in reference to the actions directly and indirectly caused by USPO Kristy L. Burton).

The point I am making is that, I have a right to prove my actual innocence under my Constitutional right of the Writ of Habeas Corpus, and not be hit with all of these brick walls set by the U.S. Attorney, to keep me, a virgin, as a false registered sex offender.

#### U.S. ATTORNEY MAY HAVE VIOLATED FEDERAL LAWS, IF EVIDENCE RECORDS WERE COVERED UP, DESTROYED, OR FALSIFIED INFORMATION

If the U.S. Attorney Office lied to the paralegal that only the Mayodan Police Report, Inventory, my Pre-Sentence Investigation Report (PSR), and Mayodan Police photos were all that was found within the records of the U.S. Attorney office pursuant to my FOIA Request for a copy of my entire discovery packet (incl. confession audio CD and SBI forensic report), then records may have been covered up by the U.S. Attorney, and

**may have lied to the paralegal about the true amount of pages that could have been found pursuant to my FOIA Request.**

**TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**

**PART I - CRIMES**

**CHAPTER 73 - OBSTRUCTION OF JUSTICE**

**§ 1519. *Destruction, alteration, or falsification of records in Federal investigations and bankruptcy***

*Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.*

**If the U.S. Attorney has attempted to cover up the SBI forensic report and the confession audio CD, that was used to indict and convict me, especially since I had given notice to the U.S. Attorney that I intend to remove myself off the Sex Offender Registry by proving my actual Innocence, then evidence was covered up within the Federal Government's own records in an attempt to retain the wrongful conviction and prevent me from proving my Actual Innocence. If the U.S. Attorney attempted to cover up or disappear any records of evidence that was originally used against me to indict and convict me, because it is inconvenient to the Government that I be found innocent, then the U.S. Attorney Office I believe has violated Title 18, Chapter 73, § 1519, by altering, destroying, or removing records that may prove innocence in a criminal case.**

**TITLE 44 - PUBLIC PRINTING AND DOCUMENTS**

**CHAPTER 31 - RECORDS MANAGEMENT BY FEDERAL AGENCIES**

**§ 3106. Unlawful removal, destruction of records**

*The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.*

**Technically, the U.S. Attorneys Offices are under the umbrella agency known as the U.S. Department of Justice, a "Federal agency". If records are secretly destroyed or just simply don't exist after they were originally used against me by that U.S. Attorney, then the U.S. Attorney may have removed, destroyed, concealed, or intended to destroy or conceal any such records.**

**In the entire time-line of my criminal case, from 2013-2015, I am aware that U.S.**

Attorney Ripley Rand, and Assistant U.S. Attorney Anand Prakash Ramaswamy was technically the prosecuting Attorneys in my criminal case. If anyone within the U.S. Attorney Office has ever attempted to cover up any evidence that would help to benefit me in resolving the issues in my case, to help prove my actual Innocence, then they may have attempted to defraud the United States and one or more of its agencies and departments, that is, to impair, obstruct, and defeat the lawful function of the U.S. Department of Justice by dishonest means. The wrongful conviction results by bad evidence and false information used against me.

### PRE-SENTENCE INVESTIGATION REPORT (PSR)

It is also incorrect, the statement on Page-3 of the FOIA response letter.

*[ XX ] A copy of your Pre-Sentence Investigation Report (PSR) has been found in the material located in a United States Attorney's Office. It appears that you are an inmate in a Federal correctional facility, which is under the jurisdiction of the Bureau of Prisons. Access to your PSR therefore will be granted in accordance with the enunciated policy of the Bureau of Prisons.*

**"It appears that you are an inmate in a Federal correctional facility..."**

That is INCORRECT, as my current living address is 310 Forest Street, Apartment 2, Martinsville, VA 24112, as was this address at the time that my FOIA Request was filed, and when it was received on July 25, 2016. To be defined as a "federal inmate" living within a "Federal correctional facility" I would have to be residing within a Federal Correctional Institution or U.S. Penitentiary. When I was being mentally evaluated in 2014, I was residing within a Federal Correctional Institution in Butner, NC, but have been released from FCI-1 Butner, NC, back into the County Jail pending the Status Conference on June 4, 2014. Later on I had falsely taken the guilty plea on June 10, 2014, due to a bad lawyer, and was released from Jail on a sentence of time already served. Since November 12, 2014, I have been released under the sentence of Supervised Release by the U.S. Probation Office. My home, and being supervised by a U.S. Probation Officer, does not constitute being in a "Federal correction Institution". I do not have a Unit Team, I live in a Apartment and my Probation Officer is allowing me to live in my own Apartment. It is not a Federal prison, and does not operate under the legal purview of the U.S. Federal Bureau of Prisons.

Since it is not the truth that I am currently since Nov. 2014, "an inmate in a Federal correctional facility..." Since my FOIA Request was written from myself, as a person living in my own Apartment, that is not under the jurisdiction and purview of the FBOP, I am not a federal inmate living within a "Federal correctional facility". Therefore I request that the decision on my PSI be revised. The decision that I am "an inmate" in a "Federal correctional facility" needs to be revised to the truth, that I am not in prison at this time, and have not been in prison at the time that I filed my original FOIA request in

I like to receive a written response after successfully receiving and processing this FOIA APPEAL as per the U.S. DOJ EOUSA's response to my FOIA request. I request a written response from the appropriate parties listed above upon successful receipt of this letter and attached Enclosure/Attachments.

The U.S. Attorney may have lied concerning the records that were withheld from my FOIA Request, I have the moral high ground as proving actual innocence (as Writ of Habeas Corpus compels) is my legal right as apart of the adversarial process of the Judicial branch. Proving my actual innocence is top priority and prevents me from falsely registering as a Sex Offender every single year. Not even John Walsh would be grateful to see virgins and frame up victims on his lobbied Sex Offender Registry law. Even the Virginia State Police doubts the legitimacy of my criminal conviction, and that's all I am going to say on that without going into details. Even my Probation Officer believes that I am Innocent, as the evidence continues to grow proving my factual innocence, little by little. So even the Federal Probation Officer and other Government employees doubt the legitimacy of my criminal conviction. I have the moral high ground and legal rights as per this FOIA Request. The U.S. Attorney has used coercion and dirty tricks to force me to falsely plead guilty under Oath. This is not how the legal system is supposed to work. I will appeal this up the chain of command, then sue the Federal Government under violation of FOIA and violation of my civil rights, as well as sue for cruel and unusual punishment, and sue for violation of my right to a fair trial and adversarial system if there is no resolution. I will also be documenting then reporting the U.S. Attorney for possible destruction of evidence and/or records that are favorable to the defense. I will prove this with private investigators, then Donald Trump will drain the swamp of the corruption and law violations of the U.S. Attorney Office in Greensboro, North Carolina.

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**

Thank You & Sincerely,  
Brian D. Hill

Former news reporter & Founder of USWGO Alternative News

Home Phone #: (276) 790-3505

310 Forest Street, Apt. 2. Martinsville, VA 24112

**Enclosure/Attachments:**

- (1) 3-Page excerpt from FOIA Response envelope that had records contained within.
- (2) 2-Page DECLARATION IN SUPPORT OF FOIA APPEAL IN REGARDS TO U.S. DEPARTMENT OF JUSTICE RESPONSE TO FOIA REQUEST NUMBER FOIA-2016-03570 (Four Witnesses signed under Oath/penalty-of-perjury that the information is true and correct).

Total enclosed Pages: 5-Pages